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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 62nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 April 1997, at 9 p.m.

Chairman: Mr. SOMOL (Czech Republic)

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RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

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The meeting was called to order at 9.05 p.m.

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(agenda item 21) (continued) (E/CN.4/1997/93, 94, 95 and Add.1 and 2, 96 and 97; E/CN.4/Sub.2/1996/25 and Add.1; A/51/306 and Add.1, A/51/456)

1. Mrs. TUHOVCAKOVA (Observer for Slovakia) said that her delegation associated itself fully with the statement by the European Union, which reflected its priorities concerning the protection of children. The international community's interest in the issue was a matter for satisfaction and the results obtained by the working groups on the two optional protocols to the Convention on the Rights of the Child, the work of the Special Rapporteur on the sale of children, child prostitution and child pornography and the assistance provided to children in regions in conflict were important contributions to a legal framework for the realization of the rights of the child.

2. However, numerous practices harmful to children continued to exist and threatened their growth and development. The universal ratification of the Convention on the Rights of the Child was an essential condition for ensuring children's rights but it was not sufficient in itself. Governments must establish a suitable structure to prevent violations of children's rights. The Convention on the Rights of the Child did, however, guarantee the protection of children's rights in general terms and her delegation congratulated the working groups for the work on the optional protocols to the Convention.

3. Mr. SUAREZ (Observer for Venezuela) said that despite progress in recent years in the promotion and protection of the rights of children and the accession of a large number of States to the Convention on the Rights of the Child, serious problems remained to be solved. His Government shared the concern of the Committee on the Rights of the Child, which had stressed the adverse effects of economic and social problems on the situation of children. Venezuela was particularly sensitive to problems of unemployment and poverty as a result of the serious economic crisis it had experienced, to the detriment of the population in general and children in particular. His Government continued, however, to make efforts to meet its commitments under the Convention.

4. Social policies in education, health and nutrition in Venezuela gave special attention to children and young people, and special legislation had been enacted and government bodies established in that regard. Programmes had been implemented for mothers and babies, for day care and for abandoned children. Health and community education programmes promoted preventive care. Where education was concerned, family subsidies guaranteed that impoverished children had access to education, while pre-school coverage was being expanded in poor areas.

5. With reference to the work of the Committee on the Rights of the Child, his Government believed that efficiency in the submission and consideration of State party reports required States to submit their reports on time, and also required the Committee to consider them on time. The Venezuelan authorities were finalizing Venezuela's first report to the Committee, which would be submitted in the near future.

6. His delegation wished to associate itself with the work of the working group on an optional protocol on the sale of children, child prostitution and child pornography and hoped that it would result in more efficient protection of the children affected and their reintegration into society. It furthermore hoped that consultations on the impact of armed conflict on children would contribute to breaking the vicious circle of conflict, inequality and injustice. Lastly, it was satisfied with the results of the intensive negotiations on the draft resolution on the rights of the child. The reference in the draft to the sale of organs and the traffic in girls marked important progress in the study of the issue and should be kept in future resolutions.

7. Mr. BAHRAINI (Observer for the Islamic Republic of Iran) said that large numbers of children in the contemporary world were exposed daily to dangers that hampered their growth and development, while the institution of the family had become tremendously vulnerable. One of the critical areas of concern was the sexual exploitation of children, which had increasingly become a transnational crime. His country had been an active participant in the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, and in the working group meetings to consider an additional optional protocol to the Convention on the Rights of the Child. For the working group to succeed, there was a need to address the root causes of the phenomenon, including deprivation compounded by poverty and economic constraints and underdevelopment. While poverty and illiteracy were the breeding grounds for the commercial sexual exploitation of children in some developing countries, the main factors in some developed countries were the deterioration of moral, ethical and family values coupled with insufficient and inefficient preventive measures, nationally and internationally.

8. The phenomenon did not exist in his country, thanks to a strong political will, the rich Islamic cultural heritage, strong family ties and legal measures against prostitution, corruption, alcoholism and substance abuse. Measures had also been taken to improve mother and child health and family planning methods, to raise the literacy rate from 47 per cent in 1974 to 78 per cent in 1994 and to close the gender gap in school attendance. The mass media also contributed to serving the best interests of children.

9. His Government believed that measures by the international community to combat the sale of children, child prostitution and child pornography should include punitive measures for offenders or their extradition, the cooperation of all countries with the Special Rapporteur on the sale of children, child prostitution and child pornography and international legal measures to restrict the negative impact of audiovisual and information services, including the Internet, in regard to the sale of children, child prostitution and child pornography.

10. Mr. GARNJANA-GOONCHORN (Observer for Thailand) said that while his delegation was at one with the aims and objectives of the Special Rapporteur on the sale of children, child prostitution and child pornography, it felt that her report had been blighted by misuse of statistics, especially in regard to the situation in Thailand. His Government was determined to eradicate child prostitution completely and the Thai Parliament had passed a tough new anti-prostitution law in 1996 increasing the penalties against child sex offenders, brothel owners, procurers and traffickers and introducing penalties for parents who sold their children into prostitution. Law enforcement measures included frequent raids on brothels and premises employing commercial sex workers. Efforts had been unrelenting in attacking the fundamental causes of child prostitution - poverty and ignorance. Compulsory schooling had been increased from six to nine years, vocational training was being provided in regions known to be sources of commercial sex workers so that vulnerable women and girls could remain in their villages and earn a living, and a number of public education programmes were encouraging a change in general attitudes towards prostitution.

11. The Thai Government did not deny that trafficking and exploitation of prostitution were among Thailand's most serious social problems. His delegation took strong exception, however, to the Special Rapporteur's presentation of statistics on adolescents engaged in prostitution in Thailand (E/CN.4/1997/95, para. 69). Those figures had been obtained from questionable sources and the claims made were simply absurd. Such unverified reporting undermined the credibility of the report. Authoritative sources such as the National Commission on Women's Affairs of Thailand estimated that there were 150,000 to 200,000 prostitutes in the country, while surveys conducted by independent non-governmental organizations such as the Thai Red Cross and Mahidol University had consistently put the number of child prostitutes at between 20,000 and 40,000. His delegation had therefore been obliged to withdraw its sponsorship of draft resolution E/CN.4/1997/L.34, entitled "Traffic in women and girls", because it could not associate itself with the amended version of operative paragraph 6.

12. Mr. EIBNER (Christian Solidarity International) said that on his recent missions to north and south Sudan he had obtained abundant evidence of gross and systematic abuse of the rights of children committed by the National Islamic Front regime as part of the transformation of the Sudan into a totalitarian Islamic State.

13. The abuses included the institution of chattel slavery. He and his colleagues had personally redeemed several hundred slaves between 1995 and 1997, although they were just a small fraction of those in captivity. The victim communities were the black Africans of Northern Bahr El Ghazal and

Southern Kordofan and the slave raids were organized by the National Islamic Front. He described the capture and selling of slaves, the labours imposed by their owners and the enforced change of cultural identity. Nothing had materialized from the Khartoum regime's widely publicized promises in 1996 to facilitate independent investigations into the practice of slavery, although the country's banned democratic opposition was actively encouraging Arabs and black Africans to work together for the return of slaves to their families.

14. His organization urged the High Commissioner for Human Rights to secure the release of all slaves whose location could be traced and to begin talks immediately with the International Committee of the Red Cross and UNICEF on the establishment of a child-slave tracing programme in the Sudan.

15. Mrs. SACKSTEIN (Defence for Children International) said that the first World Congress against Commercial Sexual Exploitation of Children in Stockholm in August 1996 had achieved the original partnership of a State, an intergovernmental organization and two networks of non-governmental organizations coupled with an action-oriented approach and a pluri-disciplinary orientation, as well as the participation of representatives both of the media and of children. A strong consensus to endeavour to put an end to the practice of commercial sexual exploitation of children had emerged from the Congress, and participating NGOs had already begun to disseminate its conclusions. The NGO focal point linked the activities arising out of the Congress with other major developments involving children's rights, such as the Machel study submitted to the Commission in March and the future ILO convention on intolerable forms of child labour. The mobilization of the international community around the Stockholm Congress was an established fact and a unique opportunity to reduce the sexual exploitation of children.

16. Mr. SANZ (Pax Romana) said that the suffering of children aroused particular emotion because of their vulnerability and their lack of responsibility for the circumstances. Children's rights were enforceable in international law under the 1989 Convention and it was incumbent on Governments and public institutions and supranational organizations to protect them. He mentioned in particular the violation of the principles contained in articles 11, 19, 32, 34, 37 and 40, the cruel and degrading treatment of children in Mexico and Colombia and the unjust imprisonment of minors in Israel, Bahrain and China. The facts were in direct contradiction with the principles which those States, in ratifying the Convention, had officially undertaken to defend. According to data furnished by UNICEF, over 73 million children were employed in forced and illegal labour and deprived of education. Child prostitution was increasing because it allowed adults to abuse children's vulnerability; it affected all countries, either as providers of customers or as providers of victims.

17. Another subject of concern was the easy access to child pornography throughout Europe. States should take the necessary measures to close the international networks which disseminated pornographic material. With reference to international adoption, which the Convention advocated as a solution for unprotected children, the failure of States to comply with their obligation of keeping a register of births was a major obstacle that obscured cases of the abduction and sale of children. Countries which had still not

ratified the Convention included the United States of America, despite its insistence on the inclusion of its proposals in the draft optional protocol on involvement of children in armed conflict. His organization considered that the time had come for the Commission to adopt the final text of the optional protocol to prohibit children under 18 from taking part in hostilities, prohibit non-governmental militias from recruiting children under 18 and prohibit the recruitment of children under 18 as volunteers into the armed forces.

18. Ms. SARMIENTO (Philippines), speaking in exercise of the right of reply, said that the statement by the Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos was grossly exaggerated. Like many other countries, the Philippines were confronted with the menace of trafficking in children and child prostitution. However, the Government was addressing the problem and those found guilty of child abuse and exploitation were prosecuted. The Philippines had solid legislative and administrative bases for upholding the rights of children and for promoting their well-being in a democratic framework. Mention had also been made of human rights violations by the Philippine army against Muslim Filipinos. The NGO speaker had clearly been unaware of the peace agreement signed recently by the Government and the Moro National Liberation Front which, it was hoped, would herald an era of peace, stability and progress in the southern Philippines.

19. The CHAIRMAN announced that the general debate on agenda item 21 had thus been concluded.

THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 23) (continued) (E/CN.4/1997/99; E/CN.4/1997/NGO/1, 39 and 81)

20. Mr. MONOD (War Resisters International) said that since the adoption by consensus of the Commission's resolution on conscientious objection in 1987, the constitutions of several countries recognized the right to refuse to perform military service for religious or ethical reasons and made provision for an alternative service. In some countries, civilian service was one and a half times or twice as long as military service. In others, the law provided for a civilian service organized by the army which was twice the length of the military service and of a punitive nature, something that ran counter to the spirit of the Commission's resolution. Regulatory instruments were urgently needed in countries like Belarus and Russia where conscientious objectors remained under the threat of arrest. It was desirable that the right to refuse military service should be recognized and that a civilian service not organized by the army should be introduced for objectors; civilian service should not reproduce the lifestyle of the army. In still other countries, the right to conscientious objection and civilian service was not recognized.

21. There was an urgent need for countries which had adopted by consensus Commission resolution 1995/83 on conscientious objection to take the necessary steps towards its implementation by modifying their constitutions. In order to encourage Governments to take such action, his organization suggested submitting the resolution for readoption in 1997. Conscientious objectors deserved the Commission's full support in the struggle for a world without weapons.

22. Ms. BRETT (Friends World Committee for Consultation), speaking on behalf of the Friends World Committee and Amnesty International, said that the right to conscientious objection to military service was not marginal to international human rights protection and promotion but a basic component of the right to freedom of thought, conscience and religion. Bodies such as the Commission on Human Rights, the Human Rights Committee, the Council of Europe and the European Parliament had urged Governments to guarantee that individuals objecting to compulsory military service were given the opportunity to perform alternative service of a genuine civilian character and had recommended that they should be permitted to register as conscientious objectors at any time before conscription, after call-up papers had been issued or during military service. On 15 April, Amnesty International would launch its campaign on the right to conscientious objection to military service in Europe with a view to achieving greater familiarity with and wider implementation of international and regional standards in that continent; the supporting material for the campaign highlighted concerns in 22 European countries.

23. The failure to provide for the exercise of the right of conscientious objection to military service was not limited to Europe. Her organization and Amnesty International therefore called for the immediate and unconditional release of all persons detained or imprisoned because they had been refused the right to register their conscientious objection to military service or to perform a genuine alternative service of non-punitive length and of a purely civilian character, and urged all States to re-examine their legislation and practices in relation to conscientious objection to military service in order to ensure full compliance with Commission resolution 1995/83.

24. Mrs. SRIVASTAVA (Indian Council of Education) said that her organization supported Commission on Human Rights resolution 1995/83 appealing to all States to enact legislation and take measures aimed at exemption from military service on the basis of conscientious objection. The right to refuse military service for reasons of conscience was inherent in the concept of freedom of thought, conscience and religion as set out in the Universal Declaration of Human Rights and recognized by a number of States which had introduced alternative service of a non-combatant or civilian nature.

25. The Commission on Human Rights had taken up the question of conscientious objection to military service as early as 1971. While there had always been general agreement regarding an individual's duty towards his country and its treaty obligations, there had also been a difference of opinion concerning the desirability of permitting any exception to bearing arms for active military service on grounds such as conscientious objection, religious belief or moral conviction. The criteria for granting conscientious objector status in the United States, however, had broadened gradually from the First World War up to the Viet Nam War resistance movement and the concept had gained respectability.

26. In the recent past there had been many instances of conscientious objection to military service in the United States and in several European countries. Her organization considered that, far from encouraging disobedience, such developments were positive checks on the undiscerning use of force against political opponents. Military service should be voluntary

and efforts for its retention must be supported by economic incentives. Her organization suggested that the minimum age for State recruitment to the military should be 20 years and that the State should recognize the citizen's right to conscientious objection for reasons of conscience or profound conviction and should act impartially on clear and well-defined grounds.

27. The CHAIRMAN announced that the general debate on agenda item 23 had thus been concluded.

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 22) (continued) (E/CN.4/1997/3, E/CN.4/1997/98 and Add.1 and Corr.1; E/CN.4/1997/NGO/34)

28. Mr. VASSYLENKO (Ukraine) said that the World Conference on Human Rights had stressed the need to link the forthcoming fiftieth anniversary of the Universal Declaration of Human Rights with the five-year review of the Vienna Declaration and Programme of Action in order to evaluate the progress made in defending human rights. Such an evaluation should include a thorough analysis of achievements as well as of remaining obstacles.

29. His delegation commended the efforts of the United Nations High Commissioner for Human Rights as reflected in his report (E/CN.4/1997/98), which contained a clear picture and an overall vision of the further development of the United Nations human rights programme based on the recommendations of the World Conference concerning human rights machinery, equality and non-discrimination, prevention of human rights violations, development and human rights, technical assistance and human rights education. In order to implement that programme the High Commissioner must maintain a permanent dialogue with States and international organizations, coordinate the activities of the United Nations human rights bodies, provide advisory services and address human rights challenges in the field.

30. A major human rights issue was the strengthening of the Commission on Human Rights; one important means of achieving that goal was the review and rationalization of its agenda, further biennialization of which was highly desirable. Efforts should be made to eliminate double standards and a selective approach to the assessment of human rights issues; human rights problems in different parts of the world needed to be evaluated in strict compliance with international standards.

31. His delegation considered that one of the most pressing tasks was to enhance the efficiency of the United Nations human rights bodies by upgrading monitoring procedures aimed at the effective implementation of international human rights standards. Improved coordination between human rights mechanisms was needed to avoid duplication and legal contradictions. Of particular significance was the field dialogue of the High Commissioner and the Centre for Human Rights with individual countries. The programme of technical cooperation needed to be strengthened still further in order to bring national legislation into line with international human rights standards.

32. Since the World Conference on Human Rights there had been encouraging developments, but reports of flagrant human rights violations continued. Those responsible should be punished in accordance with international law and domestic legislation. His Government reiterated its support for the

international tribunals for the prosecution of persons responsible for serious violations of international humanitarian law and human rights committed in the territories of the former Yugoslavia and Rwanda and supported proposals aimed at strengthening United Nations control mechanisms to prevent mass and systematic violations of human rights. Such mechanisms could be integrated into coordinated international activities on conflict prevention and peacekeeping. The strengthening of the preventive activities of the United Nations human rights bodies was indispensable if they were to function efficiently.

33. His delegation supported the High Commissioner's proposal for increased cooperation between United Nations human rights bodies and other United Nations agencies in order to maintain a permanent exchange of information, experience and expertise. The implementation of the Commission's decision on human rights and the environment, in which the Secretary-General was requested to prepare a consolidated report based on the deliberations on Agenda 21 at the General Assembly and in the relevant United Nations bodies, could be an example of an extended partnership of that nature.

34. Harmful changes to the human environment required new standards to strengthen human rights protection. While his delegation objected to the Commission's discussing environmental problems as such, it was convinced that the Commission should consider the question of environmental human rights and the legal machinery for their protection.

35. Mr. LI Baodong (China) said that a correct understanding and implementation of the Vienna Declaration and Programme of Action would have a major impact on the promotion of international cooperation in the field of human rights. How to pave the way for a smooth follow-up to the World Conference on Human Rights had become a priority for the international community as well as for the Commission.

36. The Vienna Declaration and Programme of Action was a comprehensive document which reflected the views of most countries on human rights issues; the follow-up to the World Conference required a balanced and impartial understanding of the document and misinterpretation should be avoided. In the case of certain countries, only civil and political rights were emphasized while economic, social and cultural rights were neglected; attention was paid to the universality of human rights but not to national, regional and historical particularities. Such a line of action was not conducive to the follow-up to the World Conference.

37. The Vienna Declaration and Programme of Action stated that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing. In the absence of sustained economic development or the free participation of the people in the running of the State, human rights could not be fully guaranteed. His Government had learned from its own experience of reform that only by concentrating its efforts on economic development under the precondition of national and social stability, while sparing no effort to build up democracy and a legal system, could a country like China achieve steady progress and full enjoyment of human rights.

38. The Vienna Declaration and Programme of Action also stated that the promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. States were required to abide by the purposes and principles of the United Nations and to conduct dialogue and cooperation in human rights on a basis of equality. Some countries, however, politicized human rights and adopted a confrontational approach to them which seriously damaged the normal work of the Commission. The developing countries had shown a desire to replace confrontation by dialogue and cooperation on human rights issues in General Assembly resolution 51/100, entitled "Enhancement of international cooperation in the field of human rights", but some western countries had time and again deviated from the spirit of cooperation advocated in the Vienna Declaration. Any political confrontation on the pretext of human rights could only lead to a dead end.

39. The message of the World Conference on Human Rights in Vienna was that as long as the Commission and the international community demonstrated a spirit of cooperation, consultation and seeking of common ground, they could contribute to the cause of promoting and protecting human rights. His delegation appealed to the countries concerned to respond to the demand of the developing countries for cooperation, dialogue and consensus and to give up their erroneous approach of confrontation in the human rights field.

40. Mr. SYMONIDES (United Nations Educational, Scientific and Cultural Organization) said that one of the main results of the World Conference on Human Rights had been the recognition of the importance of human rights education, which it had stressed as essential for the promotion of stable relations among communities and for fostering mutual understanding and peace. In proclaiming the United Nations Decade for Human Rights Education, the General Assembly had referred to the World Plan of Action on Education for Human Rights and Democracy, adopted in Montreal in March 1993, and had recalled that education for human rights and democracy was itself a human right.

41. UNESCO collaborated first and foremost with Governments in framing national policies and strategies to improve curricula and textbooks, teaching methods and the functioning of educational institutions. It also cooperated closely with non-governmental organizations and various educational networks and specialized structures, including Associated Schools. Another new network consisted of the UNESCO Chairs on Human Rights, Democracy and Peace established in 22 countries throughout the world. Education for peace, human rights, democracy, international understanding and tolerance had become an essential part of the UNESCO project "Towards a Culture of Peace". The aims of such education were not limited to the promotion of knowledge but also embraced the creation of skills and behavioural patterns.

42. The World Conference had also called for the strengthening of the enjoyment of economic, social and cultural rights. That did not mean that there was a need to elaborate new cultural rights, although some existing

rights needed further development. Cultural rights were not immune to economic, social, scientific or technological developments. The information revolution, for example, had numerous consequences for freedom of expression and the right to the protection of the moral and material interests resulting from scientific, literary or artistic production.

43. Like all members of the United Nations family, UNESCO was preparing its programme to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights, including a special project to raise awareness of human rights within its Secretariat. In accordance with the Memorandum of Understanding signed by the Director-General of UNESCO and the High Commissioner for Human Rights, initiatives would be taken to intensify education for human rights and to introduce the text of the Universal Declaration in all schools. His organization would like to use the celebration to intensify reflection on cultural rights, including the right to education.

44. Mrs. MARKIDES (Observer for Cyprus) said that 4 years after the adoption of the Vienna Declaration and Programme of Action and almost 20 years after the adoption of the Convention on the Elimination of All Forms of Discrimination against Women, the international community still had a long way to go to achieve gender equality and to remove all obstacles to the advancement and empowerment of women. The Secretary-General of the United Nations had emphasized that women must have equal access to political power and decision-making in order to contribute to the well-being and progress of society.

45. Despite the continuing Turkish occupation of more than 37 per cent of its territory, Cyprus had achieved considerable progress in promoting the advancement of women and in its policies to eliminate discrimination against them by establishing an Equal Opportunity Commission, legislation on equal pay and special civil courts for family matters.

46. A growing political and social awareness was emerging on the part of women in Cyprus as was demonstrated by their efforts to promote their status and by their struggle for the right to life, liberty and security of the individual and freedom of movement and settlement in a united country. In Cyprus, women continued to suffer systematic violations of their basic human rights and fundamental freedoms as a result of the Turkish invasion, when many women had been killed and ill-treated and rape had been prevalent. Women in Cyprus were fighting for the right of refugee women to return home, for the right of the relatives of missing persons to be informed of their fate and for the rights of the women living in the occupied part of Cyprus under conditions that were far from normal. The Commission could not remain indifferent to the plight of women in Cyprus.

47. Ms. AQUILINA (Observer for Malta) said that her delegation agreed with the view that human rights, peace and development formed the triad of goals of the United Nations and the world community and that a United Nations human rights programme should be able to meet the needs of the international community by taking both preventive and responsive action. Technical

cooperation, in the form of constitutional and legislative assistance, human rights training and assistance in the establishment of human rights institutions, went a long way in that regard.

48. The Medium-Term Plan for 1998-2001, adopted by the General Assembly at its fifty-first session, identified the strategic objectives for a human rights programme for the twenty-first century. Her delegation agreed that the main objectives should be to emphasize the importance of human rights in international/national agendas, to promote international cooperation for human rights and to stimulate and coordinate action across the United Nations system in the context of the other reforms taking place within the Organization.

49. The work of the Commission had shown that solidarity and goodwill could bring results and provide an opportunity for States to look at their achievements and failures. Her delegation hoped that 1998 would mark the start of another 50 years of contributing to the goal of ensuring the dignity of the human race.

50. Mr. ALAEE (Observer for the Islamic Republic of Iran) said that the follow-up to the World Conference on Human Rights should focus on matters of a general nature, such as international cooperation and coordination of human rights activities and the streamlining of the United Nations human rights machinery.

51. Certain requirements must be fulfilled to achieve the goal of promoting the international instruments and their universal ratification. The Vienna Declaration and Programme of Action called on the Secretary-General to initiate a dialogue with States which had not acceded to human rights treaties. Practical measures should be taken to establish adequate machinery to facilitate open discussion among member States, intergovernmental and non-governmental organizations to identify the real obstacles to ratification. There was a need to involve States which had not yet acceded to the international instruments by providing a forum for the exchange of views at the grass-roots level. Ratifying States should be given assurances that they would be legally authorized to implement the instruments ratified in accordance with their cultural and political circumstances. Only in that context could the international community ensure universal access to the main international instruments.

52. The World Conference on Human Rights had also called for the elaboration of new norms and instruments. That process, which could already be seen in the elaboration of optional protocols to some major treaties, must be conducted in full awareness of the reality of the world and with due regard to influential elements in the evaluation of human rights violations. His Government would appreciate debate on the contents of the protocols under consideration, with particular regard to economic, social and cultural rights and child pornography and child prostitution.

53. Another measure which would contribute to promoting the principal international instruments would be to reduce the reporting burden on States while maintaining the effectiveness of the reporting system in the United Nations treaty bodies. Furthermore, technical cooperation and advisory

services programmes played an important role in building up national capacities to ensure the promotion of human rights in specific countries; it was very important to exclude political considerations from their implementation.

54. As the year 1998 approached, heralding the commemoration of the Universal Declaration of Human Rights and the five-year review of the Vienna Declaration and Programme of Action, it was clear that a mere celebration of the two Declarations and a cosmetic review would not bring substantive changes in the world programme of work for the true realization of human rights. A critical review of the past, however, would help to ensure the objective implementation of the Declarations.

55. Mr. NDIAYE (Observer for Senegal) said that the United Nations Centre for Human Rights had developed substantially in recent years; its role currently included implementing the decisions of the Commission on Human Rights, acting as secretariat for the Sub-Commission and treaty bodies, assisting and advising States and facilitating the many special procedures established by the Commission. The aim of the restructuring exercise was to make the Centre more efficient within the limits of its financial and human resources. While his Government did not reject in principle the proposals made in the context of the restructuring, it suggested that they should be submitted to the General Assembly for approval and discussed within the Commission on Human Rights. It had observed that arrangements which had been presumed to be transitional had already become permanent and that decisions concerning the future of the staff had been taken without a decision by the General Assembly or the consent of the member States. His delegation was particularly concerned about the situation of staff members from developing countries, the Africans among whom held only subordinate posts.

56. With reference to the basic consistency between the restructuring and the priorities of the World Conference on Human Rights, his delegation feared that the programmes relating to economic, social and cultural rights, the right to development, the Second Decade to Combat Racism and Racial Discrimination and indigenous peoples would virtually disappear. An exclusively functional approach to human rights would thus eliminate a number of important programmes.

57. With regard to questions of funding, the Centre for Human Rights had an enormous workload that could be eased only by a considerable financial effort. The international community could not simply declare its commitment to the promotion and protection of human rights without providing the human and financial resources its organs required. The point was not merely to keep funding at the same level but to be prepared to make further resources available as and when necessary.

58. Ms. MALONI (Indian Council of Education) said that her delegation welcomed the report of the United Nations High Commissioner for Human Rights (E/CN.4/1997/98) on promoting a culture of human rights in which everyone bore a responsibility and in which Governments were expected actively to protect human rights, prevent religious conflicts, eradicate hunger and poverty and promote sustainable development. However, since developing countries were overburdened with problems of hunger, disease, illiteracy and poverty, it was essential for the international community to support the action of Governments

and non-governmental organizations in pursuit of social objectives. Her organization was also highly appreciative of the United Nations Decade for Human Rights Education. There was furthermore a crucial link between democracy, development and human rights; without democratic structures, people could not participate in the civic life of a community and government accountability was indispensable.

59. The Beijing Conference had highlighted the need for women's empowerment but, despite various initiatives that had been taken, the section of the Vienna Declaration and Programme of Action concerning the status of women still remained to be implemented. The criminal justice system in most societies was insensitive to the needs of women. Her delegation requested the Commission to take a serious look at continued violence against women and design special programmes to enhance awareness in the world community regarding gender issues. It also suggested that the Commission should include a separate item on the status of women in its agenda.

60. Ms. MACIAS (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos) said that, as the twentieth century drew to an end with ideologies in a state of crisis, human rights constituted the only universal language of mankind for the discussion of major issues. At a time of globalization, major problems also had a global dimension and must be addressed from a universal perspective. The Vienna Conference had been aware of that frame of reference and had established the universal nature of human rights, stressing their indivisibility. All too often, however, economic, social and cultural rights were forgotten or relegated to second place. If the theory of indivisibility was true, failure to realize those rights meant that civil and political rights lost credibility and were difficult to protect.

61. At the end of the twentieth century, the most widespread human rights violations stemmed directly or indirectly from the terrible spread of poverty in the world. Poor States were often powerless to realize social rights. The responsibility of States extended to the international economic order, and that was particularly true of the wealthiest States which most benefited from it. The doctrine of the indivisibility of human rights which had emerged from the Vienna Conference needed to be more consistently observed. The Conference had recognized the importance of NGOs in defending and promoting human rights, but much remained to be done to develop the relationship between the United Nations, States and NGOs. The long experience of the latter and their sensitivity to human rights issues made them irreplaceable in promoting the cause of human rights.

62. Major international efforts were being made by UNESCO and the Centre for Human Rights regarding the progressive introduction of syllabuses for educational institutions which included the theory and practice of human rights. Human rights constituted a great hope for the future of mankind but the critical spirit that informed them must continue to exist.

63. Mr. MENDEZ (Commission for the Defense of Human Rights in Central America) said that the World Conference on Human Rights had recognized that the human rights of women and girls were an inalienable part of universal human rights and that violence and sexual exploitation and international

trafficking in persons were incompatible with human dignity. It had also called on the General Assembly to adopt the Declaration on the Elimination of Violence against Women and had obtained an undertaking from the United Nations to promote universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the year 2000. His organization considered it essential for the protection of women's rights that an optional protocol to that Convention should be adopted. The need for such an instrument had been expressed on various occasions by the international community and most particularly at the Beijing World Conference on Women, which had stated that existing machinery for the implementation of the Convention was inadequate. An optional protocol would contribute to incorporating women's rights into the work of the United Nations system since it would create case law in that respect.

64. His organization therefore believed that the protocol must provide for a complaints and/or communications procedure; machinery for investigating cases of systematic violations of women's rights; opportunities for communications to be transmitted by individual women, groups, networks or NGOs; the opportunity to invoke the articles of the Convention in a communication; the assurance that all articles were enforceable in the event of the impairment of rights protected by the Convention; more extensive public dissemination of the results of communications and investigations; the possibility of resorting to such procedures in certain circumstances even when domestic remedies had not been exhausted; and correctional measures that would contribute to strengthening international human rights law.

65. Ms. ARGUETA (El Salvador) said that the World Conference on Human Rights had provided an opportunity to assess achievements and obstacles in the field of human rights and recognition of the indivisibility of human rights and their relation to peace, democracy and development, as well as the recognition of the rights of women and girls as an inalienable part of human rights, and the establishment of the Office of the High Commissioner for Human Rights.

66. Specific measures had been taken within the United Nations system to strengthen coordinated action to deal with the new needs and challenges in the area of human rights. Her Government had welcomed the Economic and Social Council's decision to devote its coordination segment in 1998 to a follow-up of the implementation of the Vienna Declaration and Programme of Action, which would be a major contribution to the efforts initiated. The Medium-Term Plan adopted by the General Assembly at its fifty-first session included the promotion of human rights as a priority area of work for the United Nations and clearly identified the strategic objectives of the United Nations human rights programme for the coming century.

67. With the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year review of the Vienna Declaration and Programme of Action in 1998, the international community would have an ideal opportunity to renew its commitment to human rights by highlighting their importance in national and international action programmes, considering suitable means for promoting international human rights cooperation and encouraging the ratification and implementation of international standards. The international community must continue to support activities in the field and advisory services and technical assistance to strengthen national human

rights infrastructures while at the same time giving priority to preventive action with special emphasis on human rights education. Governments and the organizations, institutions, agencies and programmes of the United Nations system must therefore continue to work together with intergovernmental and non-governmental organizations and maintain their dialogue in order to strengthen the human rights programme.

68. Mr. STROHAL (Austria) said that the Vienna Declaration and Programme of Action continued to provide the United Nations, the regional human rights organizations and the international community with a framework of principles and activities which charted the course of action in the field of human rights into the next century. The Conference's pronouncements on universality and on the indivisibility and interdependence of human rights continued to guide the work of Governments. The recommendations of the Vienna Declaration and Programme of Action had been taken up in numerous initiatives within the Commission and elsewhere and the call of the World Conference on Human Rights for a United Nations system-wide approach to human rights issues had been reflected at subsequent United Nations conferences.

69. The United Nations human rights programme had undergone significant changes since the World Conference on Human Rights, the most visible of which had been the establishment of the post of High Commissioner for Human Rights. Mr. Ayala-Lasso's most important achievement had been the increasing operationalization of the human rights promotion and protection activities of the United Nations while he had also initiated the overhaul of the Centre for Human Rights, which had been long overdue.

70. The Vienna Declaration and Programme of Action had urged United Nations human rights programmes and agencies to enhance cooperation and had also recommended that the executive heads of United Nations agencies should assess the impact of their strategies and policies on the enjoyment of human rights at their annual meetings. Thus far, however, only limited progress had been made in developing such a comprehensive approach to the promotion and protection of human rights by integrating them into the mainstream of United Nations activities. No systematic and permanent United Nations inter-agency coordination mechanism for human rights issues had yet been established. Furthermore, the promotion and protection of human rights had not yet been fully integrated into the framework for coordinated follow-up to international conferences. In his delegation's view, the Programme of Action adopted at the World Conference on Human Rights represented an integral component of the outcome of recent United Nations conferences and should be fully integrated into follow-up mechanisms.

71. That issue therefore needed to be addressed in the ongoing process of overall United Nations reform. His delegation was pleased to note that the Secretary-General considered human rights to be one of the main sectors of United Nations activities, an approach which reflected the cross-cutting nature of human rights issues.

72. In addition to a more effective secretariat in the Centre for Human Rights in Geneva, the New York office of the High Commissioner also needed to be strengthened. It had been agreed at the World Conference that a first review of progress in the implementation of human rights commitments would be undertaken on the occasion of the fiftieth anniversary of the

Universal Declaration of Human Rights. The five-year review of the Vienna Declaration and Programme of Action should also serve to assess existing human rights activities in the United Nations system. In 1996, the Commission had recommended that the Economic and Social Council should consider devoting the coordination segment at its substantive session in 1998 to the question of coordinated follow-up to the Vienna Declaration and Programme of Action. That coordination segment should be based on the report on measures taken by United Nations programmes and agencies in the field of human rights and on the coordinating role of the High Commissioner.

73. It was his delegation's sincere hope that Human Rights Year 1998 would provide an opportunity to recreate the momentum of the World Conference to strengthen the United Nations human rights programme. The High Commissioner for Human Rights could play a key role in the preparation both of the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year review of the Vienna Declaration and Programme of Action. In order to make Human Rights Year 1998 a success, it would be necessary to mobilize all sectors of society in all parts of the world for the advancement of human rights. In a number of countries, planning activities were already under way and in his own country NGOs had formed a national coalition to prepare for 1998. His delegation hoped that international NGOs with broad-based affiliations would contribute to mobilizing NGOs in all parts of the world and bring national initiatives together to facilitate the exchange of ideas and the coordination of national and international activities. Human Rights Year 1998 was concerned with the better implementation of existing international human rights standards, including the promotion of universal ratification of the principal human rights instruments. Additional efforts were required to honour the commitments made both in the Universal Declaration and in the Vienna Declaration and Programme of Action so as to enter well prepared into Human Rights Year 1998.

74. Mr. BOHR (International Organization for the Development of Freedom of Education) said that the World Conference on Human Rights had stressed two issues which his organization considered to be of prime importance - economic, social and cultural rights and human rights education. For the past three years, his organization and the World University Service, in collaboration with the High Commissioner for Human Rights/Centre for Human Rights and UNESCO, had been organizing a summer university on human rights and the right to education in Geneva during the session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It had arisen out of a joint effort by a large group of human rights institutions. At its 1996 session the participants, coming from 22 countries, had adopted a final declaration calling on the international community to recognize the indivisibility of human rights and requesting the establishment of an international court of justice for human rights and the implementation of policies that would permit sustainable development and guarantee the access of everyone to education. The programme for 1997 would comprise three new units: priorities in human rights and the issues of indigenous peoples and ethnic, religious and cultural minorities; cultures and religions and the universal nature of human rights with particular reference to indigenous questions; and an introduction to the use of new technologies in the field of human rights.

75. Without adequate training, an authentic human rights culture could not be achieved. It was to be deplored that the Voluntary Fund for the United Nations Decade for Human Rights Education was not yet operational. Although Commission resolutions often stated that human rights education was a matter of priority, the means were not being made available to implement that priority. His organization urged member States to consider that aspect in a resolution on the subject.

76. The CHAIRMAN announced that the general debate on agenda item 22 had thus been concluded.

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 20) (continued) (E/CN.4/1997/92)

77. Mr. RAVALOSON (Madagascar) expressed his delegation's disappointment that lack of consensus was delaying the work of finalizing the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. The finalization of the declaration would constitute a major advance and would be a highly symbolic gesture. His delegation therefore proposed that the mandate of the Working Group should be extended for a thirteenth and last year with the obligation to finalize the draft declaration, with or without a consensus, and submit it to the General Assembly for adoption in 1998, with or without a vote. The non-governmental organizations, social institutions, associations and individuals involved in the defence and promotion of human rights needed a declaration to validate their actions and to have room for manoeuvre. His delegation appealed to all States to guarantee the physical and moral integrity and freedom of action and movement of all those involved in promoting and protecting human rights; they deserved the Commission's tribute for the courage with which they performed their mission.

78. Mr. van RIJSSEN (Netherlands), speaking on behalf of the European Union and Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and Cyprus, said that he wished to call attention to the courageous people known as "human rights defenders" who were often deprived of speech by their own Governments. Governments should, instead, take their criticism constructively. Human rights defenders were people who spoke out about the rights of their compatriots in their own countries, who defended the rights of free trade unions, and who risked imprisonment by saying out loud what was stated in the Universal Declaration of Human Rights. They used only their voices and their pens against a power exercised without restraint.

79. A working group had started more than a decade previously to draft a declaration to ensure the rights of human rights defenders and its final session should be held in 1998. While many member States were committed to that end, some had stressed the obligations and duties of human rights defenders. To mention obligations other than the responsibility to speak

out when human rights were violated, when Governments did not fulfil their obligations or when a society was governed through fear was to curtail the rights of human rights defenders. When Governments felt obliged to rule through fear, it was because they were afraid to hear about their own obligations.

80. The commitment of Governments to universal human rights should secure the rights of everyone, including human rights defenders. Even without a special declaration, human rights instruments already implied protection of human rights defenders and their freedom to work for the protection and promotion of human rights. The group of delegations on whose behalf he was speaking called on the High Commissioner for Human Rights and all rapporteurs, representatives and working groups of the Commission on Human Rights to continue to pay special attention to the plight of human rights defenders.

81. Mr. SHATTUCK (United States of America) said that the crucial role of individuals and non-governmental organizations in the struggle to ensure respect for human rights could not be overemphasized. Those who fought for freedom of religion, free expression, cultural self-expression, democracy, political pluralism and the protection of the environment were the true human rights defenders. He paid tribute to the men and women who had lost their lives in defence of human rights in 1996 in countries around the globe and went on to cite the achievements of the men and women who defended human rights in East Timor, Indonesia, Tibet, China, Burma and Sierra Leone. Political leaders, too, in South Africa and Guatemala had taken a courageous stand for peace, reconciliation and human rights.

82. In many countries, journalists risked imprisonment or even death, as had been the case in Algeria and in Mexico, while senior staff from Nigeria's pro-democracy weeklies had been driven underground. Those who took a stand on hazardous environmental conditions sometimes suffered for offending forces more powerful than they, as in the recent cases of a retired Navy captain in Russia, a missile technician turned journalist in China and an opponent of the logging industry on Sarawak.

83. He was struck by the number of non-governmental organizations present in the Commission and the range of viewpoints they represented, not all of which accorded with the views of the United States. It was the task of NGOs from the United States, as human rights defenders, to draw attention to the shortcomings of their Government. They played a central role in their country's democracy, and their right to speak out against the policies of their own country as well as other countries must be defended. Since the San Francisco Conference which had given birth to the United Nations system, NGOs had been at the forefront of the movement to bring human rights out of the realm of theory and into the lives of ordinary people. The United States took a special pride in the close and frequent consultations it held with its own NGOs on human rights issues.

84. His Government was concerned about the slow progress made by the Working Group on the draft declaration on human rights defenders. The declaration needed to be adopted immediately so that the Commission could go on record in support of the courageous work of those who defended and promoted human rights

around the world. Human rights defenders were an integral and essential part of the human rights community and had a critical role to play in the Commission on Human Rights and throughout the world.

85. Ms. GALLEGOS (International Service for Human Rights), speaking also on behalf of the International Commission of Jurists, International Federation of Human Rights Leagues, International Federation of ACAT (Action of Christians for the Abolition of Torture), International League for the Rights and Liberation of Peoples, Centre for Justice and International Law, Commission for the Defense of Human Rights in Central America (CODEHUCA), Andean Commission of Jurists and World Christian Life Community, said that on 20 March 1997, during a debate in the Human Rights Commission of the Colombian Senate, the Commander of the Armed Forces had stated that the report of the United States Department of State on the situation of human rights in Colombia in 1996 was unreliable because it was based on the reports of the Colombian Commission of Jurists, whose director, Mr. Gustavo Gallón, had been charged with a number of criminal offences. The false accusations against Mr. Gallón were a clear fabrication by military intelligence. An earlier statement by the Commander-in-Chief of the Army in Colombia had implied that the human rights crisis in Colombia was due to a network of guerrilla drug traffickers in Europe. False and irresponsible statements of that type jeopardized the lives of human rights defenders.

86. Mr. Gallón had been one of the spearheads of the Colombian NGOs in their work to obtain access to international and regional human rights machinery. His continuous activity in human rights bodies in the Americas had proved inconvenient for those accustomed to impunity and silence on the part of the international community. Attempts were currently being made to put an end to Mr. Gallón's activities on behalf of democracy, the rule of law and justice and peace in Colombia. The organizations which she represented thus considered it a matter of urgency that the Commission should express its concern to the Government of Colombia for the freedom and safety of Mr. Gallón.

The meeting rose at midnight.